



COMMITTEE OF ADJUSTMENT

MINUTES

December 6, 2023

5:30 p.m.

Council Chambers, Brantford City Hall

58 Dalhousie Street, Brantford

Virginia Kershaw in the Chair.

1. ROLL CALL

Present: Virginia Kershaw, Gregory Kempa, Tamara Cupoli, Mark Simpson, Jang Singh Panag, Mike Bodnar

Regrets: Tara Gaskin

2. DECLARATIONS OF CONFLICTS OF INTEREST

Tamara Cupoli declared a declaration of conflict of interest on item 3.2 as she owns a property adjacent to the subject property.

3. STATUTORY PUBLIC MEETINGS

The Chair read the procedure to be followed during the Committee of Adjustment Hearings. As the meeting was held in a hybrid format, the procedures for the hybrid participation were also reviewed prior to commencing the hearings. Proper notification of all applications had been given.

3.1 Application A35/2023 - 575 Conklin Road, 2023-625

Applicant - Elite M.D. Developments

Agent - Weston Consulting c/o Martin Quarcoopome

Martin Quarcoopome, agent for the applicant, appeared before the Committee and provided an overview of the application. A PowerPoint presentation was made and a copy placed in the meeting file. The applicant is seeking approval to permit the construction of a four storey apartment building with a total of 8 units, and a GFA of 1,349.77 square

metres. The agent highlighted how some of the concerns raised by the public would be addressed through the site plan process, emphasized the studies completed through the application process, and provided statements regarding conformity to the Official Plan and the type of development intended for the site specific to compatibility.

The agent answered various questions from the Committee.

Tausha Adair, Intermediate Planner, appeared before the Committee and provided an overview of the application. A PowerPoint presentation was made and a copy placed in the meeting file. Staff explained the four tests the Committee must consider for a minor variance to be approved, and highlighted the notice requirements prescribed by the Planning Act. Staff provided an overview of the initial application that was submitted and the changes made to the proposal. The application is for relief from Section 7.11.2.1.1 of Zoning By-law 160-90 to permit a minimum lot area of 48 sq. m per unit, whereas 50 sq. m per unit, Section 7.11.2.1.3 of Zoning By-law 160-90 to permit a maximum lot coverage of 39%, whereas 35% is required Section 7.11.2.1.6 of Zoning By-law 160-90 to permit a minimum rear yard of 11.5 m, whereas 7.5 m plus 1.5 m per storey is required (13.5 m). Staff provided an overview of the comments received from the public, and recommended approval of the application. The Planner answered various questions from the Committee.

Ed Long, of 601 Conklin Road, Unit 2, Brantford, appeared before the Committee and expressed concerns regarding the calculation used for the angular plane. He provided comments related to site plan regarding water runoff.

Diana McDonald, of 601 Conklin Road, Unit 13, Brantford, appeared before the Committee and provided comments regarding impact the proposed development would have on the sightlines to the rear of her property. She further expressed concerns related to property values and changes to the character of the neighbourhood as a result of the proposed development.

Ken Johnson, 601 Conklin Road, Unit 5, Brantford, appeared before the Committee and expressed concerns related to the level of density intended for the site and the impact the proposed development would have on parking and traffic in the area. He further expressed concerns related to property values and housing affordability as a result of the proposed development.

Tom Marriott of 601 Conklin Road, Unit 13, Brantford, appeared before the Committee and expressed concerns regarding the nature of the variances in relation to the four tests. He provided comments related to property values and changes to the character of the neighbourhood as a result of the proposed development. He inquired regarding standalone and common elements with the adjacent building under construction.

Roger Craig of 601 Conklin Road, Unit 10, appeared before the Committee and provided printed images to the Committee, a copy of which was placed in the meeting folder. He expressed concerns related to property values and the shadowing impacts the proposed development would have on his property. He inquired regarding the location of the proposed dog run.

Janet Forjan of 1 Schertzberg Lane, Brantford, appeared before the Committee and provided comments regarding the shadowing impacts the proposed development would have on her property. She inquired regarding the circulation area radius for notification.

No other members of the public appeared virtually or in person to speak to the application.

The agent reappeared before the Committee and provided clarifying statements regarding the stormwater, revised drawings; siteplan with angular plane drawings, calculation was taken from property line not the fence, clarify site plan process, door in the face: operate independent and PPI, dog park relocation and snow storage.

The public hearing was completed and subsequently closed.

Moved by Mike Bodnar

Seconded by Jang Singh Panag

- A. THAT application A35/2023 seeking relief from Section 7.11.2.1.1 of Zoning By-law 160-90 to permit a minimum lot area of 48 sq. m per unit, whereas 50 sq. m per unit is required, BE REFUSED;
- B. THAT application A35/2023 seeking relief from Section 7.11.2.1.3 of Zoning By-law 160-90 to permit a maximum lot coverage of 39%, whereas 35% is required, BE REFUSED;
- C. THAT application A35/2023 seeking relief from Section 7.11.2.1.6 of Zoning By-law 160-90 to permit a minimum rear yard of 11.5 m, whereas 7.5 m plus 1.5 m per storey is required (13.5 m), BE REFUSED;

D. THAT the reason(s) for refusal of the minor variances are as follows:

- i. the proposed variances are not in keeping with the general intent of the Official Plan and Zoning By-law 160-90, the relief requested is not considered minor in nature, is not desirable development and use of the subject lands;
- ii. the original 10-storey apartment building approved plans did not show the proposed 4-storey apartment building;
- iii. the storm-water management concerns have not been addressed;
- iv. the proposal does not include affordable housing; and

E. THAT pursuant to Section 45(8) – (8.2) of the Planning Act, R.S.O 1990, c. P. 13, the following statement SHALL BE INCLUDED in the Notice of Decision: *“Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of Report 2023-625”.*

CARRIED

Recorded vote on Item 3.1:

Yes: Gregory Kempa, Mark Simpson, Jang Singh Panag, Mike Bodnar, Tamara Cupoli – 5

No: Virginia Kershaw - 1

3.2 Application A36/2023 - 9 Garden Avenue, 2023-645

Applicant/Agent- Upper Canada Consultants c/o Craig Rohe

Owner - 1000147958 Ontario Inc.

As Tamara Cupoli declared a conflict of interest on this item, she left the room.

Craig Rohe of Upper Canada Consultants, agent for the applicant, appeared before the Committee and provided an overview of the application. The applicant is seeking approval to permit reductions to the minimum lot area and landscaped open space in order to construct an additional two units within the three blocks of stack townhouses.

Lindsay King, Development Planner, appeared before the Committee and provided an overview of the application. A PowerPoint presentation was

made and a copy placed in the meeting file. Staff explained that the application is for relief from Section 2.1.79.2.1 of Zoning By-law Amendment 72-2022 to permit a reduced minimum lot area of 153 m²/unit, whereas 162.5 m²/unit is required, and Section 2.1.79.2.10 of Zoning By-law Amendment 72-2022 to permit a reduced Landscaped Open Space of 33%, whereas 36% is required. Staff recommended approval of the application.

Mary Lou Rutter, 1030 Colborne Street East, Unit 8, Brantford, appeared before the Committee and provided comments regarding protection of existing vegetation, walkability and traffic, and further expressed concerns related housing affordability.

The applicant reappeared before the Committee and provided clarifying statements. The agent highlighted the concerns raised by the public would be addressed through the site plan process through a tree protection plan as part of site plan.

The public hearing was completed and subsequently closed.

Moved by Gregory Kempa

Seconded by Jang Singh Panag

- A. THAT application A36/2023 seeking relief from Section 2.1.79.2.1 of Zoning By-law Amendment 72-2022 to permit a reduced minimum lot area of 153 m²/unit, whereas 162.5 m²/unit is required, BE APPROVED;
- B. THAT the reasons for approval of the minor variance are as follows: the proposed variances are in keeping with the general intent of the Official Plan and Zoning By-law 160-90, the relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject lands; and
- C. THAT application A36/2023 seeking relief from Section 2.1.79.2.10 of Zoning By-law Amendment 72-2022 to permit a reduced Landscaped Open Space of 33%, whereas 36% is required, BE APPROVED;
- D. THAT the reason(s) for approval of the minor variances are as follows: the proposed variances are in keeping with the general intent of the Official Plan and Zoning By-law 160-90, and the relief requested is considered minor in nature and desirable for the appropriate development and use of the subject lands; and,

- E. THAT pursuant to Section 45(8) – (8.2) of the *Planning Act*, R.S.O 1990, c. P. 13, the following statement SHALL BE INCLUDED in the Notice of Decision:

“Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of Report 2023-645.”

CARRIED UNANIMOUSLY ON A RECORDED VOTE

Recorded vote on Item 3.2:

YES: Virginia Kershaw, Gregory Kempa, Mark Simpson, Jang Singh Panag, Mike Bodnar – 5

NO: None – 0

As Tamara Cupoli declared a conflict of interest, she did not participate in the discussion and did not vote on the item.

3.3 Application A37/2023 - 83 Victoria Street, 2023-701

Applicant/Owner -1446300 Ontario Limited c/o Grant Tinney

Agent - Underwood Ion & Johnson Law c/o Carolyn Johnson

Carolyn Johnson, Underwood Ion & Johnson Law, agent for the applicant, appeared before the Committee and provided an overview of the application. Grant Tinney, property owner, was also in attendance and answered various questions from the Committee. The applicant is seeking approval to permit the construction of an addition.

The agent answered various questions from the Committee.

Lindsay King, Development Planner, appeared before the Committee and provided an overview of the application. A PowerPoint presentation was made and a copy placed in the meeting file. Staff explained that the application is for relief from section 7.8.2.3.3 to permit 49% lot coverage, whereas 40% is the maximum lot coverage and from Section 7.8.2.6 to permit a rear yard setback of 4.6 m, whereas 7.5 m is otherwise required. Staff noted that the Building Department received a complaint for suspected construction without a permit, determined that a permit was not obtained for the addition and advised that a building permit or a demolition permit would be required. In an effort to gain compliance, the applicant submitted the minor variance application.

Staff recommended approval of the application.

No members of the public appeared virtually or in person to speak to the application.

The applicant and agent had no clarifying statements.

The public hearing was completed and subsequently closed.

Moved by Mark Simpson

Seconded by Tamara Cupoli

- A. THAT application A37/2023 seeking relief from Section 7.8.2.3.3 to permit 49% lot coverage, whereas 40% is the maximum lot coverage, BE APPROVED;
- B. THAT application A37/2023 seeking relief from Section 7.8.2.6 to permit a rear yard setback of 4.6 m, whereas 7.5 m is otherwise required, BE APPROVED;
- C. THAT the reasons for approval of the Minor Variance to grant relief to Section 7.8.2.3.3 are as follows: the proposed variance is in keeping with the general intent of the Official Plan and Zoning By-Law 160-90, the relief requested is considered minor in nature and desirable for the appropriate development and use of the subject lands; and
- D. THAT the reasons for approval of the minor variance to grant relief from Section 7.8.2.6 are as follows: the proposed variance is in keeping with the general intent of the Official Plan and Zoning By-Law 160-90, the relief requested is considered minor in nature and desirable for the appropriate development and use of the subject lands; and
- E. THAT pursuant to Section 45(8) – (8.2) of the Planning Act, R.S.O 1990, c. P. 13, the following statement SHALL BE INCLUDED in the Notice of Decision:
“Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of Report 2023-701”.

CARRIED UNANIMOUSLY ON A RECORDED VOTE

Recorded vote on Item 3.3:

YES: Virginia Kershaw, Gregory Kempa, Mark Simpson, Jang Singh Panag, Mike Bodnar, Tamara Cupoli – 6

NO: None - 0

3.4 Application A38/2023 - 156 Adams Boulevard, 2023-702

Agent - RESCo Energy Inc.

Applicant - 2180903 Ontario Inc.

Amanda Newell, Amhil North America Canada Ltd., applicant, appeared before the Committee and provided an overview of the application. The applicant is seeking approval to permit the development of a 2570 kW battery energy storage system that would be incorporated with the existing Grandbridge Energy electrical infrastructure and feed the Ahmil facility during peak hours to be more efficient with energy consumption.

Lindsay King, Development Planner, appeared before the Committee and provided an overview of the application. A PowerPoint presentation was made and a copy placed in the meeting file. Staff explained that the application is for relief from Section 6.3.1.6.1 to permit an accessory structure in the front yard. Staff recommended approval of the application.

No members of the public appeared virtually or in person to speak to the application.

The applicant and agent had no clarifying statements.

The public hearing was completed and subsequently closed.

Moved by Jang Singh Panag

Seconded by Gregory Kempa

- A. THAT application A38/2023 seeking relief from Section 6.3.1.6.1 to permit an accessory structure in the front yard, BE APPROVED;
- B. THAT the reasons for approval of the minor variance to grant relief to Section 6.3.1.6.1 are as follows: the proposed variance is in keeping with the general intent of the Official Plan and Zoning By-law 160-90, the relief requested is considered minor in nature and desirable for the appropriate development and use of the subject lands; and
- C. THAT pursuant to Section 45(8) – (8.2) of the *Planning Act*, R.S.O 1990, c. P. 13, the following statement SHALL BE INCLUDED in the Notice of Decision:

“Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of Report 2023-702”.

CARRIED UNANIMOUSLY ON A RECORDED VOTE

Recorded vote on Item 3.4:

YES: Virginia Kershaw, Gregory Kempa, Mark Simpson, Jang Singh Panag, Mike Bodnar, Tamara Cupoli – 6

NO: None - 0

3.5 Application A39/2023 - 40 Fen Ridge Court, 2023-704

Agent - Cynthia Baycetich, CB Planning

Applicant - Vicano Construction Ltd.

Owner - GIZEH Packaging NA Inc.

Cynthia Baycetich, agent for the applicant, appeared before the Committee and provided an overview of the application. The applicant is seeking approval to permit the construction of a 1,409.6 m² warehouse addition and thereby connecting the two existing warehouses on site.

Lindsay King, Development Planner, appeared before the Committee and provided an overview of the application. A PowerPoint presentation was made and a copy placed in the meeting file. Staff explained that the application is for relief from Section 10.3.2.1.3.2 of Zoning By-law 160-90 to permit a maximum lot coverage of 44%, whereas a maximum lot coverage of 40% is permitted. Staff recommended approval of the application.

No members of the public appeared virtually or in person to speak to the application.

The agent had no clarifying statements.

The public hearing was completed and subsequently closed.

Moved by Gregory Kempa

Seconded by Mike Bodnar

- A. THAT application A39/2023 seeking relief from Section 10.3.2.1.3.2 of Zoning By-law 160-90 to permit a maximum lot coverage of 44%, whereas a maximum lot coverage of 40% is permitted, BE APPROVED;
- B. THAT the reason(s) for approval of the minor variance are as follows: the proposed variance is in keeping with the general intent of the Official Plan and Zoning By-law 160-90, the relief requested

is considered minor in nature and is desirable for the appropriate development and use of the subject lands; and,

- C. THAT pursuant to Section 45(8) – (8.2) of the *Planning Act*, R.S.O 1990, c. P. 13, the following statement SHALL BE INCLUDED in the Notice of Decision:

“Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of Report 2023-704.”

CARRIED UNANIMOUSLY ON A RECORDED VOTE

Recorded vote on Item 3.5:

YES: Virginia Kershaw, Gregory Kempa, Mark Simpson, Jang Singh Panag, Mike Bodnar, Tamara Cupoli – 6

NO: None - 0

3.6 Application A40/2023 - 8 Sterling St., 2023-709

Applicant - B. Murray

Agent - J.H. Cohoon Engineering Ltd.

Bob Phillips, JH Cohoon Engineering Inc, applicant, appeared before the Committee and provided an overview of the application. The applicant is seeking approval to permit the construction of a two storey 3-unit street townhouse, with a GFA of 299.1 square metres.

The agent answered various questions from Committee.

Tausha Adair, Intermediate Planner, appeared before the Committee and provided an overview of the application. A PowerPoint presentation was made and a copy placed in the meeting file. Staff explained that the application is for relief from Section 7.8.2.1.3.1 of Zoning By-law 160-90 to permit a maximum lot coverage of 48.1%, whereas 43.3% is required, Section 7.8.2.5 of Zoning Bylaw 160-90 to permit a modified minimum front yard, and Section 7.8.2.6 of Zoning Bylaw 160-90 to permit a minimum rear yard of 5.18 m, whereas 7.5 m is required, all conditional upon the registration of an environmental easement for operational noise and vibration emissions, in favour of CN Rail. Staff recommended approval of the application.

No members of the public appeared virtually or in person to speak to the application.

The applicant and agent had no clarifying statements.

The public hearing was completed and subsequently closed.

Moved by Mike Bodnar

Seconded by Tamara Cupoli

- A. THAT application A40/2023 seeking relief from Section 7.8.2.1.3.1 of Zoning By-law 160-90 to permit a maximum lot coverage of 48.1%, whereas 43.3% is required, BE APPROVED, conditional upon the registration of an environmental easement for operational noise and vibration emissions, in favour of CN Rail;
- B. THAT application A40/2023 seeking relief from Section 7.8.2.5 of Zoning By-law 160-90 to permit a modified minimum front yard, BE APPROVED provided the front yard setback to the garage is 6.0 m, conditional upon the registration of an environmental easement for operational noise and vibration emissions, in favour of CN Rail;
- C. THAT application A40/2023 seeking relief from Section 7.8.2.6 of Zoning By-law 160-90 to permit a minimum rear yard of 5.18 m, whereas 7.5 m is required, BE APPROVED, conditional upon the registration of an environmental easement for operational noise and vibration emissions, in favour of CN Rail;
- D. THAT the reason(s) for approval of the minor variances are as follows: the proposed variances are in keeping with the general intent of the Official Plan and Zoning By-law 160-90, the relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject lands; and,
- E. THAT pursuant to Section 45(8) – (8.2) of the *Planning Act*, R.S.O 1990, c. P. 13, the following statement SHALL BE INCLUDED in the Notice of Decision:

“Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of Report 2023-709”.

CARRIED UNANIMOUSLY ON A RECORDED VOTE

Recorded vote on Item 3.6:

YES: Virginia Kershaw, Gregory Kempa, Mark Simpson, Jang Singh Panag, Mike Bodnar, Tamara Cupoli – 6

NO: None – 0

4. PRESENTATIONS/DELEGATIONS

There were no presentations or delegations.

5. ITEMS FOR CONSIDERATION**5.1 Appointment of Secretary Treasurer & Deputy Secretary Treasurer**

Moved by Gregory Kempa

Seconded by Tamara Cupoli

- A. THAT all previous appointees BE REMOVED as Secretary-Treasurer and Deputy Secretary-Treasurer; and
- B. THAT K.C. Pongracz, Temporary Committee of Adjustment Coordinator, BE APPOINTED as Secretary-Treasurer, Committee of Adjustment; and
- C. THAT Lindsay King, Development Planner, and Sarah Hague, Intermediate Planner, BE APPOINTED as Deputy Secretary-Treasurers, Committee of Adjustment, to fulfill all duties of the Secretary-Treasurer in their absence.

CARRIED

6. CONSENT ITEMS**6.1 MINUTES****6.1.1 Committee of Adjustment - November 1, 2023**

Moved by Mark Simpson

Seconded by Mike Bodnar

THAT the minutes of the November 1, 2023 meeting of the Committee of Adjustment BE APPROVED.

CARRIED

7. RESOLUTIONS

There were no resolutions.

8. NOTICES OF MOTION

There were no notices of motion.

9. ADJOURNMENT

The meeting adjourned at 8:31PM.

Virginia Kershaw, Chair

L. Madden, Committee Coordinator